

UNITED STATES DISTRICT COURT  
WESTERN DISTRICT OF MICHIGAN  
SOUTHERN DIVISION

GERALD BYRD and  
DEVI LOREN SMITH,

Plaintiffs,

Case No. 1:20-cv-176

v.

HONORABLE PAUL L. MALONEY

HEIDI WASHINGTON, et al.,

Defendants.

/

**ORDER ADOPTING REPORT AND RECOMMENDATION**

This is a prisoner civil rights action filed pursuant to 42 U.S.C. § 1983. Defendants Heidi Washington and Cheryl Groves filed motions for summary judgment (ECF No. 24 and 33, respectively). The matter was referred to the Magistrate Judge, who issued a Report and Recommendation (“R&R”) on March 1, 2021, recommending that this Court dismiss plaintiffs’ Fifth Amendment Takings claims as to defendants Washington, Groves, and Access Corrections. The Report and Recommendation further recommends this Court grant the motions for summary judgment and enter judgment. The Report and Recommendation was duly served on the parties. No objections have been filed. *See* 28 U.S.C. § 636(b)(1). Therefore,

**IT IS HEREBY ORDERED** that the Report and Recommendation (ECF No. 47) is APPROVED and ADOPTED as the Opinion of the Court.

**IT IS FURTHER ORDERED** that plaintiffs’ Fifth Amendment Takings claims are DISMISSED as to defendants Washington, Groves, and Access Corrections.

**IT IS FURTHER ORDERED** that the Motions for Summary Judgment filed by defendants Washington and Groves (ECF Nos. 24 and 33) are GRANTED.

**IT IS FURTHER ORDERED** that defendants Washington, Groves, and Access Corrections are DISMISSED from this lawsuit and the action is TERMINATED.

**IT IS FURTHER ORDERED** that this Court certifies pursuant to 28 U.S.C. § 1915(a)(3) that an appeal of this decision would not be taken in good faith. See *McGore v. Wrigglesworth*, 114 F.3d 601, 610-11 (6th Cir. 1997), overruled on other grounds by *Jones v. Bock*, 549 U.S. 199, 206, 211-12 (2007).

A Judgment will be entered consistent with this Order.

Dated: March 30, 2021

/s/ Paul L. Maloney

Paul L. Maloney  
United States District Judge